

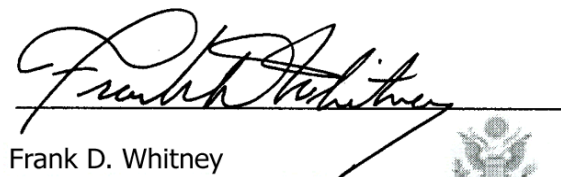
UNITED STATES OF AMERICA)
)
vs.)
)
CHALMERS LAVETTE HENDRICKS,)
)
Defendant.)

R. CRIM. P. 35(a). For purposes of this rule, “‘sentencing’ means the oral announcement of the sentence.” FED. R. CRIM. P. 35(c). “Rule 35(a)[] establishes a [14]-day jurisdictional limit.” Shank, 395 F.3d at 470. If a motion to amend or correct the judgment is made and the district court does not rule on the motion within the relevant time period, the motion is “effectively denied.” Id. Defendant was initially sentenced in this Court on October 26, 1995, and the original judgment was entered on November 22, 1995. (Doc. No. 129). An amended judgment was entered on May 6, 1998, following remand from the Fourth Circuit Court of Appeals. (Doc. No. 149). To the extent that Defendant seeks an order from this Court amending his sentence, Defendant’s motion is untimely and this Court therefore lacks jurisdiction to adjust his sentence to reflect time served on a state sentence. The Court further finds that, to the extent that Defendant is arguing that the Bureau of Prisons has incorrectly calculated his sentence to take into account that he has been in federal custody since August 24, 1994, to obtain relief he must file a petition pursuant to 28 U.S.C. § 2241 in the district in which he is confined.

IT IS HEREBY ORDERED that Defendant’s “Motion for Order Adjusting Sentence to Reflect Time Served on State Sentence,” (Doc. No. 222), is **DENIED** without prejudice.

The Clerk is instructed to mail this Order to the Bureau of Prisons.

Signed: January 17, 2017


Frank D. Whitney
Chief United States District Judge

